

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

R. ALEXANDER ACOSTA, SECRETARY OF :
LABOR, UNITED STATES DEPARTMENT OF :
LABOR, :

Plaintiff, :

v. :

No. 5:18-cv-3544

ADAM SCHWAB, JODI SCHWAB, :
SCHWAB CONTRACTING, INC., and :
SCHWAB CONTRACTING, INC. SIMPLE :
IRA PLAN, :

Defendants. :

ORDER

AND NOW, this 20th day of December, 2019, in this action brought under the Employment Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* (“ERISA”), upon consideration of the motion of the Secretary of Labor of the United States (“the Secretary”) for entry of default judgment and the accompanying memorandum of law, *see* ECF No. 7, and for the reasons set forth in the Opinion of this date, **IT IS HEREBY ORDERED** as follows:

1. The Secretary’s motion for entry of default judgment, ECF No. 7, is **GRANTED**.
2. Defendants Adam Schwab, Jodi Schwab, and Schwab Contracting, Inc. (“the Company”) shall, jointly and severally, restore all losses that Schwab Contracting, Inc., SIMPLE IRA PLAN, (“the Plan”) has incurred as the result of their violations of ERISA in the sum of \$18,531.57 in unremitted contributions and \$2,552.43 in lost interest as follows:

Name	EE Contributions	Interest	Total Owed to EE
A. Boyle	\$17.94	\$2.47	\$20.41
D. Mason	\$1,077.70	\$148.44	\$1,226.14
D. Rodriguez	\$1,461.52	\$201.30	\$1,662.82
D. Dentith	\$1,370.55	\$188.77	\$1,559.32
G. Zettlemoyer	\$35.33	\$4.87	\$40.20
J. Kline	\$1,534.15	\$211.30	\$1,745.45
J. Colon	\$430.70	\$59.32	\$490.02
Ma. Schwab	\$885.00	\$121.89	\$1,006.89
Mo. Schwab	\$317.00	\$43.66	\$360.66
N. Gross	\$7,917.23	\$1,090.47	\$9,007.70
R. Schwab	\$1,299.94	\$179.05	\$1,478.99
R. McHugh	\$366.20	\$50.44	\$416.64
W. Colon	\$1,818.31	\$250.44	\$2,068.75
Totals	\$18,531.57	\$2,552.43	\$21,084.00

3. Payments required by paragraph 2, above, shall be made within ten (10) days of this Order, directly to the identified Plan participants for deposit into their SIMPLE IRA Plan accounts.

4. The Company, Adam Schwab, and Jodi Schwab shall send written evidence of the payments made pursuant to paragraph 2, above, to the following address within five (5) business days of making each such payment:

Felecia A. Lige, Investigator
U.S. Department of Labor
Employee Benefits Security Administration
170 S. Independence Mall, Suite 870 West
Philadelphia, PA 19106
Or Email to: lige.felecia@dol.gov

5. The Company, Adam Schwab, and Jodi Schwab, their agents, employees, service providers, banks, accountants, and attorneys, shall provide the Secretary, upon his request, with all books, documents, and records relating to the finances and administration of the Plan, and to

make an accounting to the Secretary of all contributions to the Plan, including transfers payments, or expenses incurred or paid in connection with the Plan

6. The Company, Adam Schwab, and Jodi Schwab are removed from all positions with the Plan.

7. The Defendants are permanently enjoined from violating Title I of ERISA.

8. Costs are awarded to the Secretary.

9. This case is **CLOSED**.

10. This Court shall retain jurisdiction of this action for purposes of enforcing compliance with the terms of this Default Judgment.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge